

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

MATTHEW WILSON and	§	
JOSHUA TATE, individually and on	§	
behalf of all others similarly situated,	§	
 Plaintiffs,	§	
 v.	§	Civil Action No.: 5:13-CV-148
 ANDERSON PERFORATING, LTD.	§	
d/b/a API PERFORATING,	§	
 Defendant.	§	

JOINT MOTION TO DISMISS WITH PREJUDICE

COME NOW Plaintiffs and Defendant, Anderson Perforating, Ltd. d/b/a API Perforating, through their respective attorneys of record, and file this Joint Motion to Dismiss with Prejudice.

On February 27, 2013, Matthew Wilson and Joshua Tate (“Named Plaintiffs”) filed this putative collective action lawsuit in the United States District Court for the Western District of Texas pursuant to the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 et seq. against Defendant Anderson Perforating, Ltd., d/b/a API Perforating (“Defendant”).

On April 2, 2013 Defendant timely filed its Answer to Plaintiffs' Original Complaint and denied the material allegations of Plaintiffs' Original Complaint.

On July 3, 2013, the Court granted Named Plaintiff's Motion for Conditional Certification, and authorized Plaintiff's Counsel to provide notice of this Lawsuit to similarly situated current and former employees of Defendant, and allowed such employees sixty (60) days from the mailing of the notice to opt-in to the Lawsuit (“Opt-In Period”).

In addition to the Named Plaintiffs, the following individuals (“Opt-In Plaintiffs”) consented to join this Lawsuit within the Opt-In Period and specifically designated Named

Plaintiffs as their agents to make decisions on their behalf regarding the Lawsuit, including the method and manner of conducting the Lawsuit, entering into settlement agreements, entering into agreements with counsel regarding attorneys' fees and costs, and all other matters pertaining to the Lawsuit:

1. Daniel Aguilar
2. David Bernal
3. John M. Carter
4. Curry Daniel
5. Kevin Daniel
6. Sergio Enriquez
7. Jason Esparza
8. David Estorga
9. Garet Farmer
10. Jeremy Haynes
11. Ricardo Herrera
12. Daniel Kendrick
13. Wallace Kiesewetter
14. Justin Kirksey
15. Daniel Lugar
16. Antonio Maldonado
17. Richard Maldonado
18. Jerry McGough
19. Julio Moreno
20. Randy Northcutt
21. Joshua Orona
22. Julian Orona
23. Fredy Ramos
24. Alex Rasor
25. Evan Ray
26. Oscar Rincon
27. Richard Schaffer
28. Bobby Smith
29. Jeffrey Taylor
30. Michael Thomas
31. Sean Tindell

Plaintiffs and Defendant agree that bona fide disputes and controversies exist between the Parties, both as to liability for and the amount thereof, if any, as well as to whether any alleged Fair Labor Standards Act violations by Defendant were committed in "good faith," and thus,

whether Named Plaintiffs and Opt-In Plaintiffs are entitled to recover liquidated damages. By reason of such disputes and controversies, the Parties have agreed compromise and settle fully and finally all claims, disputes and causes of action that were or could have been asserted in this litigation under any state or federal law regulating payment of wages, including but not limited to minimum wage and/or overtime, whether known or unknown, which have arisen prior to, or at the time of, the execution of their settlement agreement.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs and Defendant jointly request that this case be dismissed in its entirety with prejudice to Plaintiffs re-filing same, and that each party bear their or its own attorneys' fees and costs of Court, except as provided by the written settlement agreement between the Parties.

Respectfully submitted,

By: /s/ Jeremi K. Young
Attorney for Plaintiff

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/s/ Marcus D. Brown

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